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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,970	04/21/2000	Sai V. Allavarpu	5181-48500	6561
7590	10/22/2003			EXAMINER CHAVIS, JOHN Q
Robert C Kowert Conley Rose & Tayon P C P O Box 398 Austin, TX 78767			ART UNIT 2124	PAPER NUMBER 9
DATE MAILED: 10/22/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/553,970	ALLAVARPU ET AL.	
	<b>Examiner</b> John Q. Chavis	<b>Art Unit</b> 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 August 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15, 17-37, 39-58 and 60-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15, 17-37, 39-58 and 60-64 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed February 12, 2002 has still not been located and therefore still fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The applicant should note that the examiner can not consider information, which is not in his possession.
2. The information disclosure statement filed February 12, 2002 also fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-7, 9-15, 17, 20-28, 30-37, 39, 42-50, 52-58, 60, and 63-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Wygodny et al. (6,282,701), as cited in the previous action. The applicant should refer to the previous action for its details; since, those details will not be repeated here.

The applicant indicates that Bugtrapper is not a remote control service and is run entirely on a remote computer by a remote customer. He therefore indicates that Wygodny does not teach or suggest a system comprising "a thread safe remote control service which is executable on the client computer system to receive control requests from an external source to initiate and manage the debug service on the client computer system".

However, the applicant should review fig. 1B, which indicates that Bugtrapper (item 104) is on the Agent side (i.e. remotely located) while the traced application (item 102) is on the Client side (remote to the Agent side). Item 104 sends commands (provides remote control) to the remote site (top line from item 104) to control execution (e.g. start/stop trace, initiate and manage trace) at the Client side. This feature is also indicated in fig. 2. The applicant should also see also that Wygodny indicates why debugging should not be performed entirely at the remote site without actual interaction with the system being debugged, col. 1 line 54-65. He further indicates that bugs should be isolated "within the client (remotely) by allowing the developer (inherently, at his location to interactively control, "interactively specify the source code and data elements to be traced") to trace the execution paths of the client, col. 2 lines 53-56 and col. 2 line 64-col. 3 line 1. The system allows the developer to trace multiple threads, col. 3 lines 20-23, in near real time "**during execution of the client program**", col. 3 lines 45-52 and col. 4 line 58-64. The tracing can also be performed in real time, col. 5 lines 20-23.

Therefore, contrary to the applicant's assertions, Bugtrapper provides for the features of the claims and therefore the rejection of the claims listed above is maintained.

***Claim Rejections - 35 USC § 103***

5. Claims 8,29 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wygodny in view of the applicant choice of languages used to implement his invention, as indicated in the previous action.
6. Claims 18-19, 40-41, and 61-62 rejected under 35 U.S.C. 103(a) as being unpatentable over Wygodny as applied to claims 1, 22, and 44 above, and further in view of Kaler (6,467,052), as cited in the previous action.
7. Applicant's arguments filed 8-8-03 have been fully considered but they are not persuasive, as indicated above.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Chavis whose telephone number is 703-305-9665. The examiner can normally be reached on 8:30 am-5:00 pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3900.

Jqc  
October 20, 2003



JOHN CHAVIS  
PATENT EXAMINER  
ART UNIT 2124